

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA

In Re:	*	CHAPTER 7
ELIZABETH RACHEL HARRISON	*	CASE NO.: 23-61382
Debtor	*	
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ELIZABETH RACHEL HARRISON	*	
Plaintiff,	*	COMPLAINT SEEKING
	*	STUDENT LOAN DISCHARGE
v.	*	
	*	AP: 24-_____
UNITED STATES OF AMERICA	*	
DEPARTMENT OF EDUCATION	*	
Defendant	*	

TO THE HONORABLE PAUL M. BLACK:

Comes now Elizabeth Rachel Harrison, plaintiff herein, by counsel, and moves the Court for a finding that her total debt owed to the United States Department of Education is eligible for discharge as repayment on such debt poses an undue hardship upon the plaintiff-debtor and as grounds therefore states:

1. This is an adversary proceeding brought pursuant to Bankruptcy Rule 7001(6) and 7001(9) to determine the dischargeability of a debt under 11 U.S.C. § 523(a)(8).
2. This Court has jurisdiction of this proceeding pursuant to section 1334 of title 28 of the United States Code.
3. This adversary proceeding constitutes a core proceeding as defined in title 28 U.S.C. § 157(b)(2).
4. This is a complaint by a consumer debtor against the United States Department of Education to determine the dischargeability of a debt owed by the debtor to the United States Department of Education.
5. Plaintiff filed a Chapter 7 bankruptcy petition on December 19, 2023 (Case 23-

61382).

6. The plaintiff listed debts on Schedule F for a total liability for total student loans owed to NelNet, a servicer for the U.S. Department of Education, in an estimated amount of \$78,598.00.
7. This complaint seeks hardship discharge of all student loans owed to the United States Department of Education.

FACTS AND REQUEST FOR RELIEF

8. The debtor is 49 years old and lives in Stuart, Virginia, located in Patrick County, Virginia.
9. The debtor is chronically ill and can no longer work. The debtor also is a caretaker for an elderly parent and an adult child with a disability.
10. The plaintiff has no significant assets with which she can pay the student loans.
11. Based on the plaintiff-debtor's current income and expenses, the plaintiff cannot maintain a minimal standard of living and repay the loans.
12. The plaintiff's current financial condition is likely to continue for a significant portion of the repayment period of the loan.
13. The plaintiff has made a good-faith effort to repay her debt owed to U.S. Department of Education as she has stayed in contact with her servicer, applied for forbearances and/or deferments, and addressed the loans through various programs offered.
14. The plaintiff's disability and limited income qualify her for a hardship discharge of the loans.

Wherefore, plaintiff prays this court enter an order declaring the debt owed by the plaintiff-debtor to the US Department of Education presents an undue hardship on the plaintiff, is therefore dischargeable, and for such further relief as may be just.

Respectfully Submitted:

ELIZABETH RACHEL HARRISON
BY: /s/ Heather R. Parsons
Counsel

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Service to be made upon issuance of Summons:

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